

PROVINCE OF SASKATCHEWAN



08-09

ANNUAL REPORT

**MINISTRY OF JUSTICE AND
ATTORNEY GENERAL**

Saskatchewan Public
Complaints Commission

Table of Contents

Letters of Transmittal	3
Mission Statement	4
Governing Legislation	4
Organizational Structure	6
Public Complaints Commission	7
Members of the Public Complaints Commission	7
Administrative Staff/Accommodation	7
Commission Activities	8
2008-09 Actions and Results	10
Statistical Data	11
Case Summaries	14
Budget Allocation	20

This annual report is also available in electronic format from the Ministry's website at
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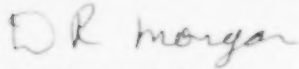
Letters of Transmittal



His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2009.

A handwritten signature in cursive script that reads "Don Morgan".

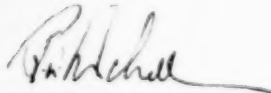
Don Morgan, Q.C.
Minister of Justice and Attorney General



The Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2009.

A handwritten signature in cursive script that reads "Robert W. Mitchell".

Robert W. Mitchell, Q.C.
Chair

Mission Statement

The Public Complaints Commission is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by police officers. For that reason, a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Public Complaints Commission

The Public Complaints Commission (PCC) consists of five persons, including a chairperson and a vice-chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The chairperson has the delegated authority to exercise the powers and to perform the duties imposed on the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints.

On April 1, 2006 following a consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations, the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are as follows:

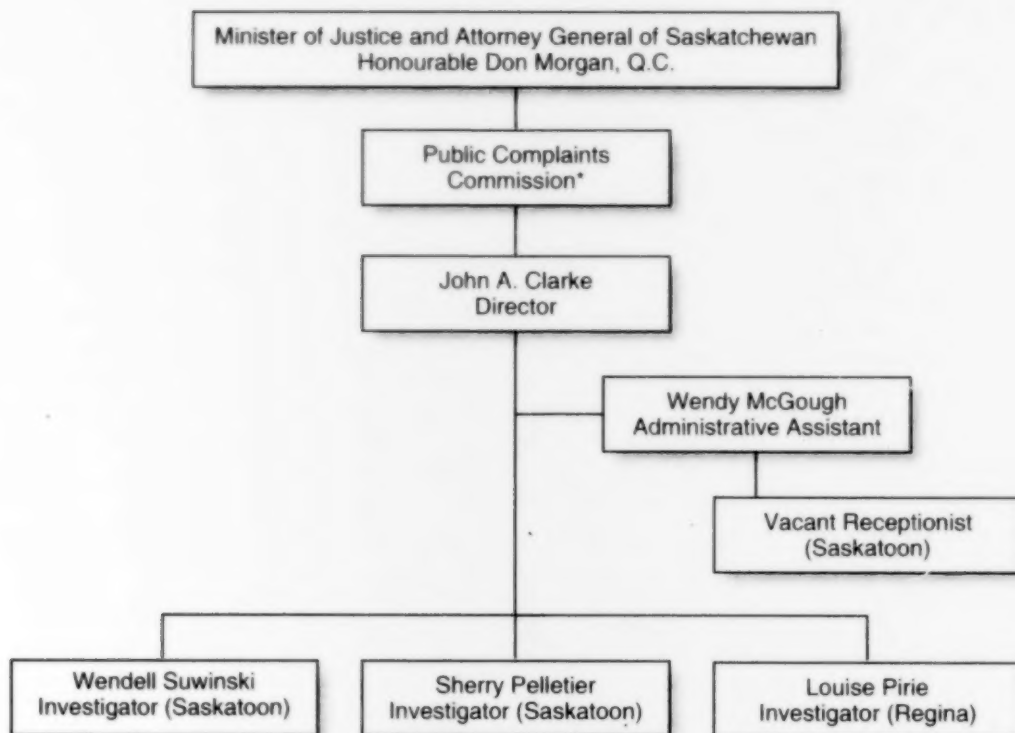
- (1) Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
 - (a) record the complaint received;
 - (b) establish and maintain a record of all public complaints received by the police services and their dispositions;

-
- (c) inform, advise and assist complainants;
 - (d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
 - (e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
 - (f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.
- (2) In exercising the duties of the PCC pursuant to this section, the PCC:
- (a) shall receive and obtain information respecting a public complaint from the complainant;
 - (b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
 - (c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and
 - (d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

The PCC chooses whether the investigation of a public complaint will be conducted by:

- the PCC investigative staff;
- the police service whose member is the subject of the complaint;
- the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- a police service other than the police service whose member is the subject of the complaint.

Organizational Structure



- * The Public Complaints Commission consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term. However, no member may be appointed to more than two successive terms. The first year of operation provided many interesting challenges for the PCC as members developed and refined their duties and responsibilities.

Members meet twice a month to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

Robert W. Mitchell, Q.C., Regina

Vice Chair:

Catherine M. Knox, Lawyer, Saskatoon

Members:

Loretta Elford, Regina, a former Director of Education with the Regina Public School Board and active community member

Raymond Fox, North Battleford, member of the Sweetgrass First Nation, Director of Justice, Battlefords Tribal Council, and a councillor for the City of North Battleford

Michel Maurice, Saskatoon, Métis Elder

Director:

John Clarke, responsible for the administration and daily operation of the PCC

Administrative Staff/ Accommodation

Saskatchewan Public Complaints Commission
Suite 300 - 1919 Saskatchewan Drive
REGINA SK S4P 4H2

Telephone: (306) 787-6519

Fax: (306) 787-6528

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Saskatchewan Public Complaints Commission
916 - 122 3rd Avenue North
SASKATOON SK S7K 2H6

Telephone: (306) 964-1450

Fax: (306) 964-1454

Commission Activities

The PCC hosted the annual conference of the Canadian Association of Civilian Oversight for Law Enforcement (CACOLE) in Regina, June 16-18, 2008 at the Hotel Saskatchewan Radisson Plaza. The theme was Best Practices and Other Lessons in Oversight. The Chair of the PCC, in his capacity as president of CACOLE, welcomed more than 140 national and international delegates and presenters to Saskatchewan. The opening reception was held at the RCMP Heritage Centre, where a presentation on the long and illustrious history of the Royal Canadian Mounted Police was delivered.

The highlight of the conference proved to be the second day, when the conference moved to the beautiful Qu'Appelle Valley, in historical Fort Qu'Appelle. Delegates gathered in the Teepee at the Treaty Four Governance Centre and discussed issues surrounding First Nations and policing and the role civilian oversight plays in that process. Delegates were treated to First Nations cuisine and were entertained by First Nations dancers and drummers.

The Chair and Director attended the annual western Canadian Internal Affairs Roundtable hosted by the Professional Standards Section, Victoria Police Service, Victoria, British Columbia. This conference provides a forum for police officers, whose primary role is the investigation of public complaints and internal allegations of misconduct, to discuss current issues and share best practices. Delegates represented police services from across Canada and the United States and civilian oversight agencies from British Columbia, Alberta, and Saskatchewan.

Last year's annual report referred to a need to reduce the time taken to resolve a public complaint. To that end, a committee was struck to review the informal resolution process. The review of the Calgary Police Service public complaint process, by the independent audit firm of Deloitte & Touche, reported that 95 per cent of their public complaints were resolved informally. Members of

our committee traveled to Calgary in early July to review their process. Key was the involvement of dedicated resources trained in mediation and dispute resolution as the first point of contact when citizens called to make a public complaint. It was clear that when properly implemented, greater use of informal resolution would enhance the public complaint process and increase the likelihood of successful resolution.

The PCC hosted our 6th Seminar in Regina, November 19-20, 2008. The focus of the seminar was the appropriate resolution of public complaints using an informal approach. Attendees included PCC members and staff, and representatives from the municipal police services, Saskatchewan Federation of Police Officers, RCMP, and the Saskatchewan Police Commission. The Dispute Resolution Office of the Ministry of Justice and Attorney General addressed the use of trained mediators to resolve issues between dissenting individuals that currently exists in Saskatchewan. The Professional Standards Division of the Calgary Police Service provided an interesting overview of how their method successfully deals with most public complaints.

Several public complaints were selected for use in a pilot project. Early results were mixed. However, it is anticipated that as the general public and police officers become familiar with this process, the use of informal resolution to resolve allegations of minor misconduct will increase significantly. Work continues on the development of a protocol to ensure equitable application of this process for all municipal police services in the province.

The Director of the PCC lectured to the recruit classes at the Saskatchewan Police College. These lectures have proven to be a valuable learning experience for new police officers. The lectures inform the officers of the public's right to complain and the importance of civilian oversight of policing.

The PCC maintained contact with the Saskatchewan Information Privacy Commission, Saskatchewan Ombudsman, Saskatchewan

Human Rights Commission, Saskatchewan Police Commission and Public Prosecution Division of the Saskatchewan Ministry of Justice and Attorney General, as well as the Federation of Saskatchewan Indian Nations (FSIN) Special Investigations Unit.

The PCC continued to liaise with our provincial counterparts and continued to support the role of CACOLE as it promoted the efficiencies and commonalities of civilian oversight across Canada. The PCC acknowledges the importance of maintaining a working relationship with the Commission for Public Complaints Against the RCMP. Members of the RCMP and various municipal police services in the province continue working together on units formed to deal with specialized areas of criminal conduct. Allegations have surfaced against members of these units and it is important to develop a method to address the common complaint even though the individual officer's conduct is governed by separate statutes.

Each of the municipal police services in the province, as well as the File Hills First Nations Police Service, whose operational authority is mandated under *The Police Act, 1990*, are required to have a local board of police commissioners. These local boards fill a vital role in the administration of their respective police services and are responsible for the conduct of their Chiefs of Police. As part of our overall delivery of service, the PCC met with these boards when duties permitted. In 2008-09 meetings were held with the File Hills First Nations, Estevan and Weyburn boards.

While the general public at large and members of the PCC have concerns with the perceptions of police bias when police conduct investigations of misconduct respecting their own officers, the PCC remains dependent on police services' conducting a percentage of public complaint investigations. Our concerns are alleviated to a degree by the quality of the investigations conducted on our behalf by various municipal police services, particularly by the Professional Standard Sections

of the Saskatoon and Regina Police Services.

As Chair and on behalf of the Commission members, I extend our thanks and appreciation for the level of commitment and the quality of investigations conducted by our investigative team members who are deployed in cases the Commission regards as sensitive or controversial. Their professionalism and investigative expertise have established excellent working relationships with the police services. I remain impressed by their unbiased, impartial and thorough approach to their investigations.

I also express my gratitude and that of the Commission members for the excellence in service provided by our administrative assistant located in our Regina office, and the efforts of our receptionist in the Saskatoon office.

In addition, I extend my personal gratitude to the members of the Public Complaints Commission for their untiring efforts and dedication to the independence of the public complaint process. Commission members must make some unpopular decisions from time to time as they seek to ensure that the public interest is well served and that members of the public and the police are guaranteed a fair and unbiased review of a public complaint.

Finally, I wish to note that the PCC has successfully completed its first three-year term. I am very pleased to report that the primary reason for this success is that the PCC enjoys the support and respect of the policing community. This community includes chiefs and senior officers of the municipal police services, the associations representing police officers, and the officers themselves. The FSIN had a great deal to do with the design of the program, and has co-operated with and supported the PCC since it was established. The Métis Nation was also involved in the program design and is also very supportive. Saskatchewan is very fortunate to have in place a program of civilian oversight that enjoys this level of support.

2008-09 Actions and Results

For the period April 1, 2008 to March 31, 2009 this office processed 144 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive complaints, investigate, review the matters and advise complainants of the actions taken with respect to their concerns.

Police Service	Number of Complaint Files
Regina	46
Saskatoon	73
Moose Jaw	2
Prince Albert	14
Estevan	6
Weyburn	1
Caronport	0
Dalmeny	1
File Hills	0
Luseland	0
Stoughton	0
R.M. of Corman Park	0
R.M. of Vanscoy	0
R.M. of Wilton	1
Total Number of Files	144

Time Frame in Days	Per Cent of Complaint Files
0 - 30	31%
31 - 60	7%
61 - 90	8%
91 - 120	1%
121 - 150	4%
151 - 180	1%
Over 181	10%
Pending	38%

The following pages show the breakdown of the complaints for each of the 11 municipal police services and the three rural municipality police services in the province.

Statistical Data

Findings of Complaints Received

April 1, 2008 to March 31, 2009

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	3	1	15	13	17	49
Saskatoon	2	3	25	25	28	83
Moose Jaw	0	0	1	1	0	2
Prince Albert	1	0	7	3	5	16
Estevan	1	0	2	0	3	6
Weyburn	0	0	3	0	0	3
Caronport	0	0	0	0	0	0
Dalmeny	0	0	1	0	0	1
File Hills	0	0	0	0	0	0
Luseland	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0
R.M. Vanscoy	0	0	0	0	0	0
R.M. Wilton	0	0	0	0	1	1
Total	7	4	54	42	54	*161

*While 144 complaints were filed, some had multiple complaints and findings

Definition of Complaint Findings

Substantiated - supported by evidence

Unsubstantiated - allegation cannot be proved or disproved

Unfounded - unsupported by evidence

Definition of Descriptions

36Aiv - Discreditable Conduct

36Fii - Abuse of Authority

36C - Neglect of Duty

37E - Abuse of Authority

37Ai - Discreditable Conduct

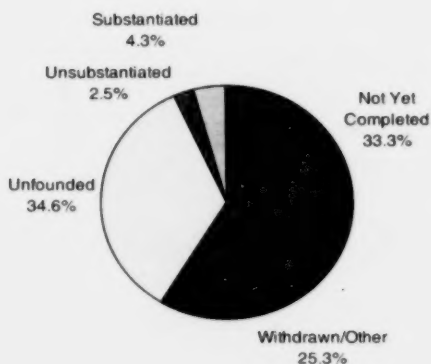
Classification of Substantiated and Unsubstantiated Complaints

April 1, 2008 to March 31, 2009

Police Service	Substantiated	Description
Prince Albert	1	36C
Estevan	1	36C
Regina	1	36Aiv
	2	37Ai
Saskatoon	2	36C
Police Service	Unsubstantiated	Description
Regina	1	37
Saskatoon	2	37E
	1	36Fii

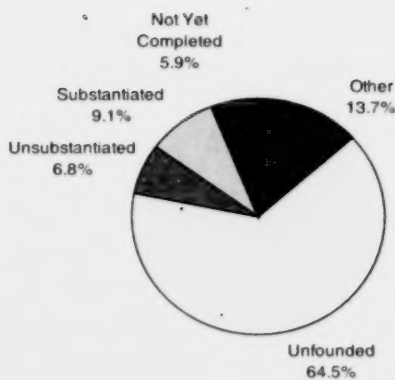
Complaint Findings

April 1, 2008 to March 31, 2009



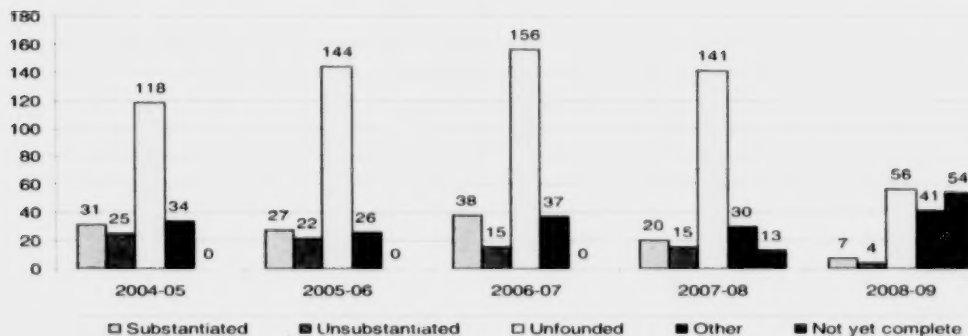
Revised Complaint Findings

(April 1, 2007 to March 31, 2008)



Five-year Comparative Statistics

2004-05 to 2008-09



Types of Complaints Received

April 1, 2008 to March 31, 2009

	Total	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Delmeny	Luseland	Stoughton	File Hills	Corman Park	Vancouy	Wilton
Type of Complaint															
Discreditable Conduct	25	10	13	1	0	0	0	0	1	0	0	0	0	0	0
Neglect of Duty	29	7	14	0	4	3	1	0	0	0	0	0	0	0	0
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	49	13	27	1	6	0	2	0	0	0	0	0	0	0	0
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/ Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	5	2	2	0	1	0	0	0	0	0	0	0	0	0	0
Not Yet Completed	54	17	28	0	5	3	0	0	0	0	0	0	0	0	1

Case Summaries

The following case summaries are a cross-section of the types of complaints received. The increased use of informal resolutions by the various police services is gratifying to note, particularly when complaints are based on a lack of communication, or a lack of understanding of police procedures and their enforcement/investigational duties and responsibilities.

- Mr. P reported to the police that he had been assaulted earlier on the same date. He stated that he provided statements on three occasions before action was taken. Mr. P complained that the investigation was inadequate because a witness had not been interviewed and the person who assaulted him was not charged.

I directed the investigation to be conducted by the police service whose officer was subject to the complaint. The initial investigation confirmed that Mr. P had reported the incident to the police service and provided a statement that was forwarded by the complaint taker to a uniformed officer for further action. The same complaint taker recalled Mr. P coming in on a second occasion. The complaint taker was unable to locate the original statement and Mr. P provided a second statement. The second statement was forwarded, an investigator was assigned and the investigation was initiated. No information was found to confirm that Mr. P provided a third statement.

It was clear that no action was taken after Mr. P's first report and no record of his complaint could be found. The investigation could not establish if Mr. P's first statement was lost, misfiled or even disregarded. The complaint taker could not recall to whom the file was forwarded. The investigation established that an acting supervisor was in charge at the time and all personnel known to have been on duty were interviewed. However, it could not be determined with any degree of certainty how the oversight occurred. On this point, the Chief of Police took full responsibility and advised the PCC that this circumstance did not meet the expectations of the police service and an apology was provided to Mr. P.

The investigation found that, after Mr. P provided his second statement, the report of assault was assigned to an inexperienced officer. It was determined that possible investigative avenues were overlooked. Nevertheless, the file was forwarded to the Crown Prosecutor, who directed further investigation and interviews. The investigation established that there were conflicting versions of events. Although the initial investigation was found to be deficient, following the additional inquiries, the Crown Prosecutor recommended no charges as there was no likelihood of obtaining a conviction against the individual who was alleged to have assaulted Mr. P. While the final result was noted, it does not negate the fact that the initial investigation was inadequate.

I found the role of the supervisors to be somewhat problematic and requested further clarification. I was advised that the only explanation was that an error had occurred, full responsibility was accepted and corrective action had been taken.

The provisions of *The Police Act, 1990*, require that the Chief of Police review the actions of police officers to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. In these circumstances, the Chief reviewed and recognized there were shortcomings in the handling of Mr. P's complaint of assault. The Chief advised that procedural changes have been instituted to ensure complaints are properly received, documented and monitored. Further, their officers and supervisors have been provided with an enhanced level of awareness to prevent future incidents. The Chief recommended that the conduct of the officers, while less than exemplary, did not warrant formal disciplinary action.

I informed Mr. P that the PCC was satisfied that the Chief of Police had thoroughly reviewed the circumstances, reviewed and changed the manner in which complaints are processed and provided direction to officers that will ensure

future incidents are handled differently. While clearly there were shortcomings in processing and investigating Mr. P's complaint, I was satisfied with the manner in which the Chief of Police responded and handled this matter.

- Ms. L attended to the hospital after being released from the police detention centre. She advised hospital staff that she had been sexually assaulted while in police custody. Investigators from the police service responded immediately and initiated a criminal investigation, and notified the PCC.

Ms. L stated that she must have been sexually assaulted by the two male police officers who brought her to the police cells because when she woke up, she was not wearing her bra, one of the shirts she had been wearing had been removed and her pants were unbuttoned.

Ms. L had been arrested shortly after midnight when the police responded to a request for assistance from Emergency Medical Services (EMS) personnel who were on the scene of an apartment fire. A highly intoxicated female was holding a small child in her arms preventing EMS from assessing the child's medical condition. The child had been inside the apartment with Ms. L at the time of the fire. EMS was concerned the child had suffered smoke inhalation and may be in need of further medical treatment. Ms. L was taken into custody and Family Mobile Crisis Unit attended to the needs of the child. Ms. L was released within seven hours.

When the senior sexual assault investigator became aware of the details surrounding the allegations, he contacted the Professional Standards Section of his police service and requested that the video recording of Ms. L being booked into cells be reviewed and seized as potential evidence. The video clearly showed that Ms. L was not sexually assaulted while in police custody. The articles of clothing were removed by a matron and a female police officer during the booking procedure. The investigator

contacted Ms. L and provided her with the name of the Staff Sergeant in charge of the Professional Standards Section. Further, she was advised she could view the video tape by contacting the Staff Sergeant.

I reviewed the police investigation and the video recording. I noted the requirement that all persons being detained in police cells are subjected to a physical search. This is for the safety of the individual and that of the police officers. Ms. L was wearing a black hoodie when she arrived at the booking desk, which was left on when her bra and black tank top were removed. During the search, the matron found that her black tank top had several safety pins in various places, holding the top together, as well as attaching the top to the bra straps. The bra was also found to contain several more safety pins that seemed to be holding the bra together. These items were removed for the safety of Ms. L while she was held in custody. While conducting the search, the matron noted that the button on the side of her pants was undone; however, the zipper was fully closed.

I was satisfied that Ms. L was not subjected to any inappropriate conduct while held in custody. The police officers and matron acted professionally in the lawful performance of their duties. I noted the prompt response to Ms. L's allegation of sexual assault and the thoroughness of investigators and the promptness in advising the PCC of this very serious allegation. I mentioned the offer to Ms. L to view the video tape, an offer that she declined to accept. This demonstrated a willingness on the part of the police service to be extremely forthcoming with Ms. L, and to allay any doubts she may have had.

- Mr. J stated that he observed a police officer attend to a vehicle parked, with the engine running, in front of a local nightclub. The officer administered a road side screening device test to the driver and a second male passenger, both of whom failed the test. Mr. J felt the officer should have arrested the driver and

administered a further sobriety test at the police station and had the vehicle towed. Mr. J stated the driver of the vehicle persuaded the officer to take no further action as they were taking a taxi and would not drive the vehicle. Mr. J, who was operating a taxi, stated he left the parking lot with four male subjects. When informed of the cost of the taxi to a nearby community, Mr. J was directed to return to the parking lot of the nightclub where these individuals got into the parked vehicle and drove away. Mr. J stated that he observed a police vehicle across the road at a coffee shop at this time.

The investigation determined that the police officer came across the vehicle parked as described by Mr. J. There were two male occupants. The passenger was asleep and the male occupying the driver's side, was sitting sideways behind the steering wheel, facing the open driver's door with his feet on the ground. The officer stated the individual was intoxicated and listening to the vehicle stereo. The individual told the officer that he was waiting for friends to come out of the nightclub and that they had a designated driver. Under the circumstances, the officer exercised his discretion and warned the driver that he could be charged with care and control of a motor vehicle. The male subject woke up his friend, both exited the vehicle and locked the doors. At that time, they were joined by two males coming from the nightclub. One said he was the designated driver, but he had been drinking and was not going to take a cab. This individual asked to be tested to see if he could drive the vehicle. Both he and the other male who had been in the nightclub took the test and failed. The four males got into the waiting taxi and left. The officer stated he had no further contact with them. Two hours later he noted the vehicle had left the parking lot.

Mr. J had expressed his concern, as a member of his family had been seriously injured in an accident involving an impaired driver. During the course of the investigation, Mr. J was contacted by the investigator to discuss the matter and to

provide some further clarification. At that time, Mr. J stated he wanted nothing further to do with the complaint and the police could do whatever they wanted.

Mr. J was questioned about seeing the police car at the coffee shop while the males he dropped off got into the vehicle and left. He was asked if he had called the police to report the vehicle leaving and stated that he had. The investigator stated that while he didn't doubt Mr. J, as all calls for service are recorded, he would confirm the call and the details and would certainly follow up with this new piece of information. At this point, Mr. J stated the more he thought about it, he was pretty sure that he hadn't called to report the vehicle being driven away. The officer stated there were no further calls for service from Mr. J while he was on shift.

Mr. J remained dissatisfied with the officer's initial dealings with the subjects at the nightclub. However, he was adamant that he didn't want anything further to do with the matter and the police could deal with it as they saw fit. He declined the opportunity to discuss his concerns with the police officer. Despite Mr. J's apparent lack of interest, the investigation of his concerns continued.

I was satisfied that the public interest had been well served as the investigation was completed without the final support of Mr. J. The police officer was engaged in the lawful performance of his duties and under the circumstances as described, exercised his discretion by warning the individual sitting in the driver's compartment about care and control of a motor vehicle. Further, the officer took the additional step of voluntarily testing the reported designated driver and finally, by allowing the four individuals to leave the vehicle locked and secured and to leave in a taxi. The officer cannot be faulted for the subsequent actions of the individuals who returned and drove the vehicle.

The officer could have been faulted had Mr. J called the police to report the vehicle leaving

the nightclub and the officer failing to take appropriate action. That was not the case.

- Mr. H was charged with assault in connection with an allegation stemming from a reported road rage incident. He complained that the investigating officer inappropriately disclosed information and made assumptions, yet to be proven in court, in a letter to the government agency responsible for issuing driver's licences.

Attached to his letter of complaint was a copy of a letter addressed to Saskatchewan Government Insurance (SGI), Supervisor Driver Records & Control. This letter, although unsigned, appeared to have been authored by the investigating officer and formed the basis for his allegations against the officer. Mr. H's letter of complaint clearly outlined his concerns.

I directed that the Professional Standards Division for the officer's police service conduct a review on behalf of the PCC. The officer corresponded with SGI concerning an event that resulted in a charge against Mr. H, which had yet to be adjudicated by the court. Also, the officer did not follow proper procedure established by the police service concerning outgoing correspondence when requesting reviews of driver's licences.

There is a requirement to have the Traffic Supervisor review and then forward the correspondence to the Executive Officer in charge of the Community Policing Support Division. It then becomes the responsibility of that officer to further review and forward the correspondence to SGI. This procedure is to ensure the information contained in the letter is appropriate.

It was clear that the officer had not followed proper procedure. Had the officer followed procedure, the letter would not have been forwarded to SGI. The Chief of Police reviewed the officer's conduct, took corrective action and provided the officer with appropriate guidance. In addition, the Chief of Police caused

a reminder to be circulated to all members of the Traffic Division concerning the proper method of forwarding correspondence. The reminder was to be followed by an Information Bulletin to all members of the police service. In addition, the Chief of Police caused a reminder to be circulated to all members of the Traffic Division concerning the proper method of forwarding correspondence. The reminder was to be followed by an Information Bulletin to all members of the police service.

I concluded that the matter was handled appropriately and expeditiously.

During the course of the inquires, Mr. H forwarded a letter of complaint dated December 27, 2008, to the police service, which was date stamped as received on December 29, 2008. Mr. H wished to initiate a public complaint against the Chief of Police for not forwarding to him a progress report on the status of his complaint against the officer within 60 days as required by of *The Police Act, 1990*. Section 41(1)(a) of the Act states:

... In case of a public complaint as to the conduct of a member, a chief shall give notice in writing to the complainant and the member complained against of the status of the complaint: (a) not later than 60 days after the day on which the report is recorded by the person who received it. . .

The Police Act, 1990 provides the authority for the Chief of Police to delegate responsibilities to ensure the proper management, administration and operation of the police service. Section 35(3)(b) of the Act states in part:

... To carry out the responsibilities imposed on a chief of police by this Act and the regulations, the chief may: . . . delegate to any member or civilian member any authority vested in the chief that, in the opinion of the chief, is required to properly manage the police service. . .

The authority to meet the requirements of Section 41(1)(a) of the Act had been delegated

to the Staff Sergeant in charge of the Internal Investigation Section of the Professional Standards Division.

My letter directing the investigation was received by the police service on November 4, 2008. In a letter dated January 3, 2009, addressed to Mr. H from the Professional Standards Division, he was advised that the investigation of his complaint was complete and forwarded to the PCC, who would be contacting him in due course.

I was advised that Mr. H had been contacted by telephone on two occasions on December 4, 2008 by the Professional Standards Staff Sergeant. During the first conversation he was advised of the actions taken against the officer. Mr. H asked if there were any criminal charges forthcoming and when informed there were none, Mr. H requested a response in writing. He was advised that the matter had been forwarded to the PCC, who would provide a written response.

During the second telephone conversation, the Staff Sergeant wanted to ensure Mr. H that he was aware the matter would receive an internal administrative review and would then be forwarded to the PCC for final review. His concerns and the action taken against the officer were discussed with him a second time. He was also advised that the officer apologized for the inappropriate actions.

I was advised that Mr. H telephoned the Staff Sergeant during the early afternoon of December 4, 2008. He asked about the apology provided by the officer and Staff Sergeant provided the information by reading from the supervising officer's report. It was Mr. H's position that the police officer only apologized because the officer was caught. I should note that in my final letter to Mr. H, I advised that I was of the opinion that a more reasonable interpretation would be that the police officer apologized because it was appropriate to do so.

Mr. H's initial complaint was acknowledged by the PCC in a letter dated October 29, 2008. On December 4, 2008 he received two telephone calls from the Staff Sergeant and he initiated a third telephone conversation. During these telephone conversations he was apprized of the status of his public complaint and was directly advised of the actions taken against the police officer. Further, the police advised him in a letter dated January 3, 2009 that the investigation was completed and forwarded to the PCC.

I was satisfied that every effort was made to comply with the requirements of *The Police Act, 1990*. In these particular circumstances it can be reasonably stated that Mr. H received an update from the police service, albeit verbally, within 36 days. While it can be stated that the update wasn't received within 60 days from October 29, 2008 I was of the opinion that this was not so egregious as to warrant an investigation or further action by the Public Complaints Commission.

Therefore, I directed that no further investigation would be undertaken regarding his allegations against the Chief for non-compliance with the Act. As noted, I concluded that the allegations against the officer for inappropriate comments in the letter to SGI were appropriately addressed and concluded the matter.

- Mr. D reported that a male, accompanied by two females, came into his pawn shop and inquired about certain items that had been taken during a recent break in. He advised the male to contact the local police service and to speak with the officer assigned to look after matters concerning pawn shops. Mr. D stated the male stated he was a police officer and when asked to produce his badge, the male lifted his shirt to reveal a holstered handgun. The male subject was not displaying a police badge and did not produce any police identification. He was also concerned that if this individual was a police officer, he was using his position to pursue personal matters.

The investigation viewed the pawn shop surveillance video and the male was recognized to be a police officer. It was determined that the officer, who was on duty and dressed in street clothes, entered the pawn shop and the two females entered shortly thereafter. One of the females approached Mr. D, and in the presence of an employee, asked about some property, which she stated had been stolen from her in a break in. The officer approached and stated he was with the police. When he couldn't produce any proper identification, he revealed the holstered handgun. Mr. D informed the officer that anyone could produce a gun and he wouldn't provide any information without proper identification. The officer and the two females left the pawnshop.

Shortly thereafter, the officer entered a second pawnshop operated by the same company. Mr. D had telephoned the second shop and related the described incident. An employee asked the officer if he was the person at the other shop. The officer indicated he was and that he didn't have his police identification with him.

The officer readily admitted to the actions attributed to him by Mr. D. The officer stated a close relative's house had been broken into and

items taken. He went to the pawn shop to make inquiries on his own and while he was there, his relative came into the shop and started to ask questions. When told she would not be provided with any information, he stepped forward and stated that he was a police officer. He was asked to provide some identification, which he didn't have with him, but told Mr. D that he did have his gun with him and showed it. When told he would not get any information without proper identification, the officer left the pawn shop. The officer also readily admitted attending to the second pawn shop.

I concluded that both allegations of misconduct were substantiated and returned the matter to the Chief of Police for disciplinary action under the provisions of *The Municipal Police Discipline Regulations, 1991*. I conveyed my findings to Mr. D.

Budget Allocation

The following figures show the approved budget for the 2008-09 fiscal year.

Approved Budget	\$689,000
Grant - F.S.I.N.	
Special Investigations Unit	155,000
Salaries, Honorariums, Per Diems	388,380
Operating Expenses	<u>85,393</u>
	\$628,773

